

Guildford & Waverley Borough Councils

Report to: Council

Date: 16 July 2024

Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

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Report status: Open

Key Decision: No

Joint Councillor/Officer Relationship Protocol

1. Executive Summary

- 1.1 A good relationship based on mutual trust, respect and courtesy, between Councillors and Officers is essential for the smooth running of the Council.
- 1.2 The Joint Councillor/Officer Relationship Protocol governs the different roles and responsibilities of Councillors and Officers, sets out expectations and provides a framework for how they should work together.
- 1.3 The Joint Constitutions Review Group (JCRG) reviewed the Councillor/Officer Relationship Protocol at its meeting held on 29 May 2024. The JCRG agreed to recommend approval of a new Joint Councillor/Officer Relationship Protocol, as set out in Appendix 1 to this report, to both the Corporate Governance & Standards Committee and to Waverley's Standards & General Purposes Committee at their special meetings held simultaneously on Monday 1 July 2024, with a further recommendation that each Committee

recommends the adoption of the Joint Councillor/ Officer Relationship Protocol to their respective full Council meetings¹.

- 1.4 At its meeting on 1 July 2024, the Standards and General Purposes Committee recommended that the Joint Councillor/Officer Relationship Protocol be adopted as part of the Council's Constitution.

2. Recommendation to Council

The Standards and General Purposes Committee recommend:

- 2.1 That the Joint Councillor/Officer Relationship Protocol, as set out in Appendix 1 to this report, be adopted as part of the Council's Constitution.

3. Reasons for Recommendations

- 3.1 It is imperative, for the benefit of those who live, work and do business in our Borough's, that Councillors and Officers are clear on their differing roles and responsibilities and have good working relationships between them based on mutual trust and respect.
- 3.2 It is good practice for Councils to have a Protocol in place setting out the expectations arising from the relationship between Councillors and Officer.

4. Status of Report

- 4.1 No part of this report is exempt from publication.

5. Strategic Priorities

- 5.1 Good working relationships between Councillors and Officers goes to the heart of a resilient and well-managed Council which is one of the corporate priorities in the forthcoming draft Corporate Strategy.

6. Background

¹ Ordinary council meetings scheduled for 16 July (Waverley), and 23 July (Guildford)

- 6.1 The roles of Councillors and Officers are very different. Councillors are elected by the electorate to serve their constituents and are elected until the end of their term of office. Officers are recruited and employed by the corporate body of the Council and are accountable to the Head of Paid Service.
- 6.2 Councillors are responsible for the strategic framework of the Council and Officers are responsible for the delivery of that framework.
- 6.3 Officers are always politically impartial, and it is essential that Councillors respect that and do not attempt to compromise the political impartiality of Officers.
- 6.4 Both Councillors and Officers are ultimately working for the communities they serve and that is best achieved by having clarity around their different roles and responsibilities and having relationships that are based on mutual trust, respect and courtesy.
- 6.5 Councillors are bound by the Code of Conduct for Councillors and Officers are bound by the Code of Conduct for Officers. The Councillor/Officer Relationship Protocol should be read in conjunction with the respective codes and seeks to provide guidance and governance for the interaction and relationship between Councillors and Officers.
- 6.6 Should a Councillor be in breach of the provisions of this Protocol it could result in formal action under the standards regime if the conduct also amounts to a breach of the Code of Conduct for Councillors. Should an Officer be in breach of the provisions of this Protocol it could result in formal action being taken in accordance with the Council's Disciplinary Policy.

7. Options

- 7.1 One option is to adopt a Joint Councillor/Officer Relationship Protocol to set out the differing roles and responsibilities and the expectations around the relationship between the two.
- 7.2 Another option is not to adopt a Joint Councillor/Officer Relationship Protocol.

8. Consultation

- 8.1 Consultation has taken place with the Democratic Services Managers and the Deputy Monitoring Officers of both Guildford Borough Council and Waverley Borough Council, as well as the Statutory Officers for both Councils.
- 8.2 Consultation has taken place with the Leader of each Council, the Chair of the Corporate Governance & Standards Committee at Guildford Borough Council and the Chair of the Standards & General Purposes Committee at Waverley Borough Council and all relevant Portfolio Holders at each Council.
- 8.3 The proposal was also considered by the Joint Constitutions Review Group who supported the proposed Joint protocol.

9. Key Risks

- 9.1 Without such a Protocol, there is a risk that Councillors and Officers are unclear as to their respective roles and responsibilities and do not optimise the relationship between themselves for the good of the communities they serve.
- 9.2 Lack of clarity of roles can lead to misunderstandings and ultimately to complaints.

10. Legal Implications

- 10.1 Councillors must comply with section 27 Localism Act 2011 which provides that they have a duty to promote and maintain high standards of conduct. Further, Councillors are bound by the provisions of the Code of Conduct for Councillors.
- 10.2 Officers must comply with the provisions of their contract of employment the Code of Conduct for Officers and other employment policies and procedures. Some Officers are also covered by the provisions of the Local Government Officers (Political Restrictions)

Regulations 1990, and have to comply with the requirements of their professional bodies.

11. Financial Implications

11.1 There are no financial implications arising from this report.

12. Human Resources Implications

12.1 There are no human resources implications arising from this report.

13. Equality and Diversity Implications

13.1 There are no equality and diversity implications arising from this report.

14. Climate Change and Sustainability Implications

14.1 There are no climate change and sustainability implications arising from this report.

15. Background Papers

[Guildford Borough Council Constitution](#)

[Waverley Borough Council Constitution](#)

16. Appendices

Appendix 1: Draft Joint Councillor/Officer Relationship Protocol